The Madhya Pradesh Goseva Ayog Adhiniyam, 1995

Act 18 of 1995

Keyword(s):
Ayog, Cattle, Preservation of Cattle

GOVERNMENT OF MADHYA PRADESH
PASHU PALAN VIBHAG

<u>The Madhya Pradesh Goseva Ayog Adhiniyam, 1995</u>

(18 of 1995, 18-05-1995)

<u>DIRECTORATE OF VETERINARY SERVICES, MADHYA PRADESH</u>

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TABLE OF CONTENTS.

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(Received the assent of the Governor on the 10th May, 1995: assent first published in the "Madhya Pradesh Gazette (Extraordinary)" dated 18th May, 1995).

An Act to establish Goseva Ayog for the preservation and welfare of cattle in the State, for supervision and control of Institutions and to provide for matters connected therewith and incidental thereto.

Be it enacted by the Madhya Pradesh Legislature in the Forty-sixth Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Madhya Pradesh Goseva Ayog Adhiniyam, 1995.
   (2) It shall come into force on such date as the State Government may, by notification appoint.

Definitions

2. In this Act unless the context otherwise requires.-
   (a) "Ayog" means the Madhya Pradesh Goseva Ayog established under Section 3.
   (b) "Cattle" means cows, cow-bulls, bullocks and cow-calves;
   (c) "Chairperson" means the Chairperson of the Ayog;
   (d) "Institution" means any charitable Institution engaged in cattle welfare and established for the purpose of keeping, breeding, rearing and maintaining cattle or for the purpose of reception, protection, care, management and treatment of inform, aged and diseased cattle and includes Gosadan, Goshala, Pinjrapole, Goraksha Sanstha and their Federation or Union registered under any enactment for the time being in force or otherwise.
   (e) "Member" means a member of the Ayog and includes the Chairperson.

Constitution of Ayog.

3. (1) The State Government shall constitute a body to be known as the Madhya Pradesh Goseva Ayog to exercise the powers conferred on and to perform the functions assigned to it under this Act.

(2) The Ayog shall consist of the Chairperson and the following members, namely :-

(i) Ex-officio member

(a) The Agriculture Production Commissioner of the Government of Madhya Pradesh.

(b) The Secretary to Government of Madhya Pradesh Animal Husbandry Department.

(c) The Secretary to Government of Madhya Pradesh, Local Government Department.

(d) An officer to be nominated by Finance Department not below the rank of Deputy Secretary.

(e) The Director of Veterinary Services of Madhya Pradesh, who shall also be the Secretary

(ii) Members to be nominated by the State Government,-
Six non-official members having interest in cattle welfare.

(3) The State Government shall appoint one of the non-official members to be the Chairperson of the Ayog.

(4) Every appointment under sub-section (2) shall take effect from the date on which it is in the official Gazette.

Terms and conditions of appointment of members of the Ayog.

(5) Every non-official member of the Ayog shall hold office for a period of three years in State on which the appointment is notified in the Gazette under sub-section (4) of

(6) There shall be paid to the non-official members such allowances as may be prescribed.

(7) A non-official member may resign an office in writing under his hand addressed to the Government.

(8) The Government shall rename a person from the office of non-official member if as on :

(a) becomes an undercharged insovenc.

(b) is convicted and sentenced to imprisonment for an offence, which, in the opinion of the State Government, involves moral turpitude;

(c) becomes of unsound mind and stands so declared by a competent Court;

(d) refuse to act or becomes incapable of acting;

(e) is, without obtaining leave of absence from the Ayog, absent from three consecutive meetings of the Ayog or

(f) has, in the opinion of the State Government so abused the position of Chairman or Member as on render that --------- ------ in office detrimental to the interests of cattle or public interest.

(g) Provided that no person shall convened under this sub-section until that person has been given a reasonable opportunity of being heard in the matter.

Disqualifications.

No person shall be eligible for appointment as a non-official member if he -

(a) is not a citizen of India;

(b) has not attained the age of twenty one years.

(c) has been adjusted by a Competent Court to be of unsound mind;

(d) has been sentenced by any court to imprisonment for an offence involving moral turpitude;

(e) has been dismissed from the service of the Government for misconduct and has been declared to be disqualified for employment in public service; and

(f) is an undischarged insolvent.

Casual Vacancy.

6. In the event of death, resignation or disqualification of a non-official member or of his becoming incapable of acting before the expiry of his term of office, a casual vacancy shall be deemed to have occurred in such office and such vacancy shall be filled as early as possible by appointment of a person thereto as member who shall hold office for the unexpired term of his predecessor.

Headquarter and meetings of the Ayog.

7. (1) The Headquarter of the Ayog shall be at Bhopal.

(2) The Ayog shall hold meetings at least twice in a year and shall keep record on its proceedings in a minute book.

(2) The meetings of the Ayog shall be convened by the Chairperson who shall, when present preside at such meetings and in the absence of the Chairperson, the members present shall elect one from amongst themselves to preside as Chairperson.

Vacancy not to invalidate proceedings.

8. No act or proceeding of the Ayog shall be deemed to be invalid by reason merely of any vacancy in, or any defect in the constitution of the Ayog.

Appointment of officers and other employees.

9. Subject to such rules as may be made in this behalf, the State Government may, for the purpose of enabling the Ayog to efficiently discharge its functions under this Act, provide such number of officers and other employees as may be considered necessary.

Registration of institutions and audit of their accounts.

10. (1) On the commencement of this Act every Institution shall within 3 months thereof submit an application for registration under this Act in such manner and containing such particulars as may be prescribed.

(2) The application shall be accompanied by such fees as may be prescribed.

(3) The Ayog shall after such enquiry as it deems fit issue a certificate of registration is such form as may be prescribed.

(4) The Ayog shall maintain a Register of Institution registered with it in such forms as may be prescribed.

(5) Whenever any change occurs in any of the particulars relating to any Institution recorded in the Register as prescribed under sub-section (4), the person entrusted to act on behalf of the Institution shall report the change to the Ayog which shall after such enquiry as it deems fit make the necessary changes in the Register.

(6) The accounts of every Institution which has been registered under this Act, shall be balanced each year on the thirty first day of March and its accounts shall be audited annually in the prescribed manner.

Functions of the Ayog.

11. It shall be the functions of the Ayog-

(a) to ensure the protection afforded to cattle under my law for the time being in force including seizure and custody of cattle being carried for slaughtering or likely to be slaughtered and to imitate criminal action against accused persons.

(b) to ensure -

(i) proper and timely implementation of the laws referred to in clause (a) and to propose remedial measures to concerned Departments of the State Government or any body or authority

owned or controlled by the State Government as is responsible for such implementation to make them more effective:

(ii) proper and timely implementation of programmes of the State Government under Goshala Development Scheme;

(c) to ensure active participation of the Institutions in the development of indigenous breed of cattle specially of the State of Madhya Pradesh;

(d) to promote health care of cattle;

(e) to ensure care and management of cattle seized for violation of any enactment for the time being in force;

(f) to ensure proper management and care of infirm and aged cattle maintained by any Institution;

(g) to supervise and inspect the Institutions;

(h) to promote cultivation of improved variety of fodder-seed production programmes and pasture development activities;

(i) to co-ordinate with Agriculture Universities and other Research Institutions dealing with cattle and fodder development programmes and to ensure active participation of the Institutions to adopt new scientific technology.

(j) to suggest such measures which may be helpful in strengthening of the Institutions which are economically weak;

(k) to give financial assistance to the Institutions;

(l) to enquire into complaints in the functioning of any Institutions;

(m) to perform such other functions as may be assigned to it by the State Government;

(n) to administer and implement the Madhya Pradesh Krishik Pashu Parirakshan Adhiniyam, 1959;

(o) to appoint such Agricultural Cattle Welfare Officers who shall work for implementation of the Madhya Pradesh Pashu Parirakshan Adhiniyam, 1959 and to take action which shall include detention and search of agricultural cattle, detention and search of vehicles, seizure of agricultural cattle and take them into custody and initiate prosecution proceedings;

(p) to take custody of the agricultural cattle seized and to entrust them to the nearest Goshala, Gosadan or any Cattle Protection institution or to any person pending the disposal of the prosecution proceedings.

Funds of the Ayog.

the funds of the Ayog shall consist of grants made by the Government and fees raised to imposed by it donations, gifts and bequests made to it by any person.

Banker of the Ayog.

the funds of the Ayog shall be kept in a Nationalized Bank and shall be operated by the -----------may be authorized by the Ayog.

Power of the Ayog of the Ayog to call for records.

order to enable the Ayog to perform the functions under this Act, the Ayog may call on or report of any department of the State Government or any body or authority or and the Department or body or authority or the Institution as the case may be shall practicable, comply with the request of the Ayog.

Accounts and audit.

The Ayog shall maintain proper accounts and other relevant records and prepare an report on accounts in such form as may be prescribed by the State Government in consultant Accountant General, Madhya Pradesh.

(2) The accounts of the Ayog shall be audited by the Accountant General at such intervals as may be specified by him and any expenditure in connection with such audit shall be payable by the Ayog to the Accountant General.

(3) The Accountant General and may person appointed by him in connection with the audit of the accounts of the Ayog under this Act shall have the same rights and privileges and authority in connection with such audit as the Accountant General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Ayog.

Annual Report.

16. The Ayog shall prepare, in such form and by such date for each financial year, as may be prescribed its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the State Government.

Action or Ayog Report.

17. (1)Upon receipt of a report made under section 16, the State Government may take such action thereon as it considers fit.

(2) A copy of the report made to the State Government together with a report the action taken thereon by the State Government under sub-section (1) shall be laid on the table of the Legislative Assembly.

Power of the State Government to call for reports, returns etc.

18. The State Government may call for such reports, returns, statements from the Ayog from time to time as if considers necessary.

Directions of the State Government

19. (1) In the discharge of its function under this Act, the Ayog shall be guided by such directions on the question of policy as may be given to it by the State Government.

(2) If any dispute arises between the State Government and the Ayog as to whether a question is or is not a question of policy, the decision of the State Government shall be final.

Members of the Ayog to be public servants.

20. All members and officers of the Ayog shall be deemed while acting or purporting to act in pursuance of any provision of this Act to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860 (No. 45 of 1860).

Protection of section taken in good faith.

21. No suit, prosecution or other legal proceedings shall lie against any member, officer or servant of the Ayog for anything which is in good faith done or intended to be done under this Act.

Penalty.

22. (1) If any person contravenes any provisions of this Act or any rule made there under or fails to comply with any order made in pursuance of such provisions, the Ayog may after such enquiry as it may deem necessary and after given the person an opportunity of being heard, impose upon him a penalty which may extend to two thousand rupees.

(2) Any person aggrieved by an order passed by the Ayog under sub-section (1) may within 30 days of the communication of the order,

file an appeal before the State Government whose decision thereon shall be final.

(3) The amount of penalty if not paid within 30 days of the communication of the order of the Ayog or of the State Government in appeal, shall be recoverable as arrears of land revenue.

Power to make rules.

23. (1) The State Government may make rules generally for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely:-

(a) terms and conditions of service of employees of the Ayog.

(b) Allowances which may be paid to members of the Ayog;

(c) the manner in which the Institutions shall be registered;

(d) the manner in which and the authority which shall operate the funds of the Ayog;

(e) the manner in which complaints shall be entertained by the Ayog and mode of enquiry.

(f) the form and manner in which and the time within which the reports are to be submitted by the Ayog;

(g) the fee on the payment of which the registration shall be made and the form in which registration certificate shall be issued.

(3) All rules made order this Act shall be laid on the table of the Legislative Assembly.

24. The Madhya Pradesh Goshala Act, 1953 (No. 4 of 1953) is hereby reported.